

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION, AT KNOXVILLE**

**KATHY J. VALENTINE,**

**Plaintiff,**

**v.**

**USABLE LIFE INSURANCE  
COMPANY,**

**Defendant.**

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**Civil Action No. 3:15-cv-00326**

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**NOTICE OF REMOVAL**

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Pursuant to 28 U.S.C. §§ 1441(a) & 1446, *et seq.*, defendant, USAbLe Life Insurance Company (“USAbLe”), files this Notice of Removal of this action from State Court to this Court and respectfully states as follows:

1. On June 8, 2015, plaintiff, Kathy J. Valentine (“Valentine”) commenced a civil action in the Circuit court for Sevier County, Tennessee (“the State Court”), bearing the style *Kathy J. Valentine v. USAbLe Life*, Docket No. 15-CV-377-II (“the Civil Action”). The Civil Action is still pending in the State Court.

2. USAbLe was first served with a copy of the Summons and Complaint in the Civil Action on June 30, 2015, copies of which are attached as Exhibit A, and which constitute all process, pleadings, and orders served upon USAbLe in the Civil Action to date.

3. USAbLe has, to date, made no appearance in the Civil Action in State Court.

4. The Civil Action is one of which this Court has diversity of citizenship jurisdiction pursuant to 28 U.S.C. § 1332 and removal jurisdiction pursuant to 28 U.S.C. § 1441 in that:

- (a) USABLE, both at the time of filing of the Civil Action and as of the date of filing of this Notice, was and is a corporate citizen of the State of Arkansas in that it is and was incorporated in the State of Arkansas, with its principal place of business in Arkansas.
- (b) Valentine, both at the time of filing of the Civil Action and as of the date of filing this Notice, was and is a citizen of the State of Tennessee.
- (c) Diversity of citizenship exists between all parties properly joined in that they are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs:
  - i. Valentine claims entitlement to both past and future benefits under the Policy cited in the Complaint (Exh. A, ¶ 21), and, if otherwise eligible, which USABLE denies, Valentine would be entitled to gross monthly benefits totaling \$71,713.48 through the date of the filing of the Complaint, and \$312,887.21 through the end of the maximum benefit period under the Policy;
  - ii. Valentine has also asserted entitlement to an additional sum, pursuant to Tenn. Code Ann. § 56-7-105 (Exh. A, ¶ 26), equal to 25% of the benefits as set out in the preceding sub-paragraph; and
  - iii. Thus, the total of the amount sought in the Complaint exceeds the sum or value of \$75,000.00, exclusive of interests and costs.
- (d) This action is within the original jurisdiction of the Court pursuant to the provisions of 28 U.S.C. § 1332.

5. USABLE has filed this Notice prior to the expiration of thirty (30) days following its receipt of a copy of the Complaint.

6. The judicial district and division of this Court embraces Sevier County, Tennessee, the place where the Civil Action is pending.

7. US Able will give written notice to plaintiff and will file a Notice of Filing of Notice of Removal with the Clerk of the Circuit Court for Sevier County, Tennessee. US Able attaches a copy of the Notice of Filing of Notice of Removal as Exhibit B.

WHEREFORE, defendant, US Able prays that the Civil Action now pending against it in the Circuit Court for Sevier County, Tennessee, be removed therefrom to this Court.

LATHROP & GAGE LLP

By: /s/ S. Russell Headrick

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ATTORNEYS FOR DEFENDANT  
*US Able Life Insurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day July, 2015, a copy of the above pleading was served via the District Court ECM/ECF system, and by first class United States mail, postage prepaid, on the following counsel of record:

Richard T. Scrugham, Jr.  
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ATTORNEYS FOR PLAINTIFF

/s/ S. Russell Headrick

S. Russell Headrick (TN5750)